THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO. 14969 of 1999

Dated: 25-08-2005

Between:

Ch. Satya Rao.

..Petitioner.

And

The APSRTC, Vizianagaram zone, rep. by its Executive Direction and another.

..Respondents.

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO. 14969 of 1999

ORDER:

This writ petition is filed seeking a mandamus to declare the proceedings dated 22-5-1999 including the consequential proceedings dated 8-7-1999 in

repatriating the petitioner to Vizianagaram region, as illegal and arbitrary.

It is the case of the petitioner that consequent upon the re-organization of the regions, the employees have been opted to exercise options for transfer, as per the Circular dated 19-12-1994. In the option form, preference has been sought for by the respondents among Vizianagaram, Visakhapatnam and Srikakulam. In the month of January, 1995, the petitioner opted his first preference to Visakhapatnam, second preference to Vizianagaram and third to Srikakulam. According to the petitioner, without considering his option at first, the respondents considered option of his juniors, namely, V.S.Rao, B. Srinivasa Rao and five others and transferred them to Visakhapatnam. Therefore, the petitioner made a representation dated 26-3-1996 to consider his option, but there was no response. Meanwhile, his wife became seriously ill and she was undergoing treatment in K.G.Hospital, Visakhapatnam. Therefore, the petitioner made another representation dated 24-6-1997 requesting the authorities to repatriate him to Visakhapatnam Region on humanitarian grounds. Ultimately, the proceedings dated 8-7-1997 have been issued transferring the petitioner to Visakhapatnam region. Since then, he has been working at Visakhapatnam region. While so, the impugned proceedings dated 22-5-1999 was issued repatriating the petitioner to Vizianagaram region without assigning any reasons. Hence, the writ petition.

A detailed counter-affidavit has been filed by the respondents denying the allegations made by the petitioner. It is asserted that the petitioner was temporarily transferred to Visakhapatnam region, vide office order dated 4-7-1997 on compassionate grounds duly retaining his seniority in Vizianagaram region, as per the circular instructions dated 19-12-1994. No junior to the petitioner was retained in Visakhapatnam region while passing the impugned proceedings. In fact, the petitioner is placed in Vizianagaram region because his date of promotion was 06-11-1992 to the post of Depot Clerk/TTI/Traffic Inspector-III and as per his second choice. The petitioner cannot compare his case to that of one B. Srinivasa Rao and others as they were not on the rolls of Vizianagaram region.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the material available on record. I am of opinion that the respondents have not committed any error

calling for interference by this Court.

In fact, as per the option exercised by the petitioner, his second option was taken into consideration and he was accommodated at Vizianagaram region. In fact, the petitioner was accommodated initially at Visakhapatnam in view of the fact that his wife was sick. Thereafter, he developed some vested interest and wanted to retain permanently in the Visakhapatnam region , which is not permissible. The seniority of the petitioner is maintained in the Vizianagaram region and he is also due for promotion even by the date of filing this writ petition and his promotion etc., would be considered only as per the seniority in Vizianagaram region.

Therefore, the writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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25-08-2005

sj